

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul A. Martinez)	Dkt. No.:	UTL 00075
)		
Serial No.:	09/943,954)	Art Unit:	2827
)		
Filed:	August 31, 2001)	Examiner:	Tuan T. Dinh
)		
Title:	SYSTEM AND METHOD FOR REDUCING APPARENT HEIGHT OF A BOARD SYSTEM)		
)		

ELECTION AND TRAVERSAL OF RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

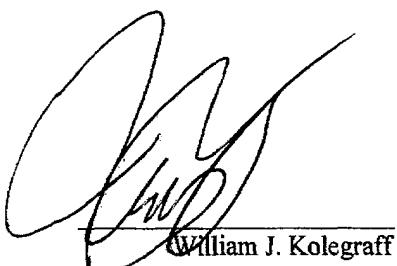
ELECTION

The Examiner stated that "restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a system for reducing apparent height of a board system, classified in class 361, subclass 761 classified in class 702.

08/11/2003 JMCNILLA 00000004-09843954
I hereby certify that this correspondence is being faxed to the fax number designated in the Office Action,
01 FC:1251 703-305-1341 and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: November 25, 2002



William J. Kolegraff

II. Claims 13-19, drawn to a method for reducing apparent height of a board system, classified in class 29, subclass 840."

Applicant hereby elects Invention I for examination.

REMARKS

Applicant respectfully traverses the restriction requirement. The Examiner stated in section 1 of the Office Action that:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be made in different processes such as adhering, etching, or coating instead of soldering a carrier to a PCB by using a solder material.

Applicant respectfully points out an ambiguity in this reasoning. The Examiner confuses methods and products in stating that "the method can be made." Methods are performed, and products are made. Thus, in attempting to distinguish the method and the product, the Examiner convolutes the standard for methods and products. Applicant believes that the Examiner is saying that the product can be made by different processes, such as "adhering, etching, or coating."

Applicant respectfully traverses this assertion. The product cannot be made by different processes, such as "adhering, etching, or coating." Admittedly, these processes could be performed on a device used in conjunction with the invention, but they could not replace the solder material. Each of the independent claims listed in Invention I, claims 1 and 9-12, recite "a solder material soldering..." Thus, a soldering step is necessary to make the products claimed in each of claims 1 and 9-12 and all those claims depending therefrom.

Alternatively, if the Examiner is saying that the process can be used to "make other and materially different product," Applicant respectfully traverses this assertion. The only

independent claim listed in Invention II, claim 13, recites "soldering the carrier..."

Therefore, the process as claimed requires a soldering step and a soldering material.

Certainly, other steps may be performed in producing an end product, but that end product will include the product of Invention I if the process of Invention II is performed.

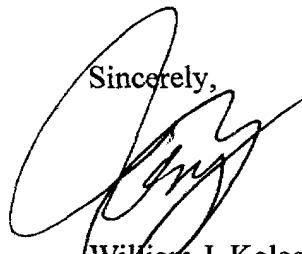
In addition to traversing the restriction requirement, Applicant respectfully asserts that claims 1-12 are now in condition for allowance.

CONCLUSION

In sum, applicant has elected Invention I for examination and traversed the restriction requirement. Applicant respectfully asserts that the commonality of solder material and a soldering step between Invention I and Invention II cannot be circumvented by "adhering, etching, or coating instead of soldering."

Respectfully submitted November 25, 2002. Please address any questions or comments to the undersigned.

Sincerely,



William J. Kolegraff
Kyocera Wireless Corp.
PO Box 928289
San Diego, CA 92192-8289
Phone: 858/882-2000
Reg. No. 41,125

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	09/943,954
Filing Date	August 31, 2001
First Named Inventor	Paul A. Martinez
Examiner Name	Tuan T. Dinh
Group Art Unit	2827
Attorney Docket No.	UTL 00075

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	
Deposit Account Name	

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20**	=	
			- 3**	=	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	110.00
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY					
Name (Print/Type)	William J. Koenigraff	Registration No. (Attorney/Agent)	41,125	Telephone	858-882-2000
Signature				Date	November 25, 2002

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



10300 Campus Point Drive, San Diego, CA 92121-1582

FAX COVER SHEET

DATE: May 2, 2003

TO: Commissioner for Patents

PHONE: 703-305-9883

FAX: 703-305-1341

FROM: Lester Anderson
Kyocera Wireless Corp.

PHONE: 858-882-3276

FAX: 858-882-2485

RE: Office Action 9/24/02
Examiner: Dinh, Tuan T.
Application No.: 09/943,954
Art Unit: 2827
Filing Date: 08/31/01
Inventor: Paul A. Martinez

Number of pages including cover sheet: 8

MESSAGE

Dear Mr. Dinh,

Please find the attached Election and Traversal of Restriction Requirement originally faxed November 25, 2002. Additionally, the fax confirmation from the November 25th fax is included.

Sincerely,

Lester J. Anderson
Reg. No. 45,833

Reg. No. 45,833

Reg. No. 45,555

I hereby certify that this correspondence is being faxed to the fax number designated in the Office Action, 703-305-1341 and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: May 2, 2003


Lester J. Anderson Date

*** TRANSMISSION REPORT ***

NOV-25-02 16:23 ID:

JOB NUMBER	811		
INFORMATION CODE	OK		
TELEPHONE NUMBER	917033051341		
NAME (ID NUMBER)			
START TIME	NOV-25-02 16:21		
PAGES TRANSMITTED	006	TRANSMISSION MODE	EMMR
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LAST SUCCESSFUL PAGE	006		



10300 Campus Point Drive, San Diego, CA 92121-1582

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DATE: November 25, 2002
 TO: Commissioner for Patents
 FROM: William J. Kolegraff
 Kyocera Wireless Corp.
 RE: Office Action 9/24/02
 Examiner: Dinh, Tuan T.
 Application No.: 09/943,954
 Art Unit: 2827
 Filing Date: 08/31/01
 Inventor: Paul A. Martinez

PHONE: 703-305-9683
 FAX: 703-305-1341
 PHONE: 858-882-3017
 FAX: 858-882-3650

Number of pages including cover sheet: 6

MESSAGE

Please find attached a response to the above referenced Office Action (Restriction/Election), a fee transmittal, and a credit card form.



10300 Campus Point Drive, San Diego, CA 92121-1582

F A X C O V E R S H E E T

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TO: Commissioner for Patents

PHONE: 703-305-9883

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Kyocera Wireless Corp.

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